

Iowa Department of Natural Resources
Natural Resource Commission

ITEM

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DECISION

TOPIC Chapter 50, All-terrain Vehicle and Snowmobile Accident Reports, Titling,
Registration and Numbering - NOIA

The Commission is requested to approve this notice to rescind Chapter 50, “All-terrain Vehicle and Snowmobile Accident Reports, Titling, Registration and Numbering” Iowa Administrative Code, and to adopt a new Chapter 50, “All-terrain Vehicle, Off-road Motorcycles, Off-road Utility Vehicles, Snowmobile and Vessel Bonding.”

The proposed new chapter defines each of the regulated vehicles covered by the rules, clarifies the criteria which require the bonding of a regulated vehicle or vessel, and updates the process used to bond a regulated vehicle or vessel. The specifics for regulated vehicles are covered in Division I of the chapter and the specifics for vessels are captured in Division II of the chapter.

Existing rules found in Chapter 50, Iowa Administrative Code, will be moved to new Chapters 46 and 47, Iowa Administrative Code, as part of an update and reorganization of the rules pertaining to the Off-highway Vehicle Program and the Snowmobile Program.

Robert Garrison, Law Enforcement Bureau Chief
Conservation and Recreation Division
April 8, 2010

Attached: Proposed Chapter 50, All-terrain Vehicle, Off-road Motorcycles, Off-road Utility Vehicles, Snowmobile and Vessel Bonding

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to rescind Chapter 50, “All-terrain Vehicle and Snowmobile Accident Reports, Titling, Registration and Numbering” ~~Iowa Administrative Code~~, and to adopt **new** Chapter 50, “All-terrain Vehicle, Off-road Motorcycles, Off-road Utility Vehicles, Snowmobile and Vessel Bonding,” Iowa Administrative Code.

The proposed new Chapter 50 defines each of the regulated vehicles covered by these rules, clarifies the criteria that requires the bonding of a regulated vehicle or vessel, and updates the process used to bond a regulated vehicle or vessel. Responsibilities for both the applicant and the Department are delineated. The specifics for regulated vehicles are covered in Division I of the chapter and the specifics for vessels are captured in Division II of the chapter. Presently Administrative Rules which pertain to the Department’s requirements for bonding of all-terrain vehicles and snowmobiles are contained in 571--Chapter 46, and the Administrative Rules which pertain to the Department’s requirements for bonding vessels are contained in 571--Chapter 47. It is proposed that the rules for bonding be combined in one chapter and be contained in new Chapter 50.

Existing rules found in Chapter 50, will be moved to new 571--Chapter 46 and 571—Chapter 47, as part of an update and reorganization of the rules pertaining to the Off-Highway Vehicle Program and the Snowmobile Program.

The purpose of bonding a regulated vehicle or vessel is to secure a proper chain of ownership of the regulated vehicle or vessel when registration or title paperwork is missing or improperly transferred.

Any interested person may make written suggestions or comments on the proposed amendment on or before May 25, 2010. Such written materials should be directed to David Downing, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail david.downing@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-3449.

Also, there will be a public hearing on May 25, 2010, at 2 p.m. in the Fifth Floor East Conference Room, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

Any persons who attend the public hearing and have special needs such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 321G.21, 321G.29, 321I.22, 321I.31 and 462A.5A.

The following amendment is proposed.

Rescind 571--Chapter 50 and adopt the following **new** Chapter 50:

CHAPTER 50

ALL-TERRAIN VEHICLE, OFF-ROAD MOTORCYCLES, OFF-ROAD UTILITY VEHICLES, SNOWMOBILE AND VESSEL BONDING

571—50.1(321G,321I) Definitions.

"All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

"Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Iowa Code Chapter 321, but which contains design features that enable operation over natural terrain.

"Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. A motorized vehicle that was previously titled or is currently titled under Chapter 321 of the Iowa Code shall not be registered or operated as an off-road utility vehicle.

"Regulated vehicle" means all-terrain vehicles, off-road motorcycles, and off-road utility vehicles, either collectively or individually. For purposes of this chapter only, a *"regulated vehicle"* shall also include a snowmobile.

“*Snowmobile*” means a motorized vehicle weighing less than 1,000 pounds which uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle which has been altered or equipped with runners, skis, belt-type tracks, or treads.

“*Vessel*” means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice. Ice boats are watercraft.

“*Watercraft*” means any vessel which through the buoyant force of water floats upon the water and is capable of carrying one or more persons. Docks, defined and regulated by 571--Chapter 16 are not watercraft.

DIVISION I

ALL-TERRAIN VEHICLES, OFF-ROAD MOTORCYCLES, OFF-ROAD UTILITY VEHICLES AND SNOWMOBILES

571—50.2(321G,321I) Bond required before issuance of title or registration. If the county recorder or the department is not satisfied as to the ownership of the regulated vehicle or there are no undisclosed security interests in the regulated vehicle, the recorder or the department shall require completion of the following procedure prior to issuing title and registration:

50.2(1) Identification. The applicant shall contact the department and provide identifying information in regard to the regulated vehicle. The required identifying information shall include the identification number and such additional information about the regulated vehicle as may be requested by the department. If no identification number is currently affixed to the regulated vehicle, the applicant shall complete the department’s procedure for obtaining such number, and the assigned number shall be affixed before the applicant may proceed with the application process set forth in this chapter.

50.2(2) Records search. Upon receipt of sufficient identifying information from an applicant, the department shall:

a. Search the department registration records to determine if there is an owner of record for the regulated vehicle and if the regulated vehicle has been reported stolen; and

b. Notify the applicant, orally or in writing, in regard to whether a record of prior ownership has been located and, if so, provide the name and last-known address of the owner of record.

50.2(3) Examination. At any time after being contacted by the applicant and before approval of an application, the department may examine the regulated vehicle.

50.2(4) Notice to owner of record. If the department finds a record of prior ownership in the department registration records, the department shall provide the applicant with a bonding packet with instructions on how to complete the bonding process. The packet will include a notice to the owner of record and a certified mail envelope, return receipt requested, with a return address of the department. The notice shall state that the owner of record may assert the owner’s right to claim the regulated vehicle. If neither the applicant nor the department receives a response from the owner of record within ten days after receipt of notice or the post office returns the notice to the applicant or the department as undeliverable or unclaimed, the department will continue processing the bond application.

50.2(5) Submission of application. To register the regulated vehicle, the applicant must submit the appropriate forms and fees described in 571--Chapter 46. In addition, the application shall include a statement obtained from an Iowa-registered dealer for the same type of regulated vehicle for which the value is being sought or documentation from the North American Dealers’ Association indicating the current value of the regulated vehicle. In addition to the appropriate application form required under 571--Chapter 46, the following documents shall be submitted with the application form:

a. Photographs of the regulated vehicle which show the front, rear, and one side of the regulated vehicle.

- b. The written ownership document received at the time that the regulated vehicle was acquired.
- c. Satisfactory proof of the regulated vehicle identification number or DNR Form 542-8065. Examples of what constitutes satisfactory proof include, without limitation, corresponding photographs of the vehicle identification number and the vehicle, or readable pencil rubbing of the vehicle identification number.
- d. The undeliverable or unclaimed certified letter and envelope addressed to the previous owner or the signed certified mail receipt, if available, if a record of prior ownership was located by the department.
- e. A surety bond on DNR Form 542-8092 in an amount equal to one and one-half times the current value of the regulated vehicle, if required.

50.2(6) Approval. If the department determines that the applicant has complied with this rule, that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department shall forward the original application to the county recorder and notify the applicant that the regulated vehicle may be registered and titled in Iowa.

50.2(7) Disapproval. If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, that there is an unsatisfied security interest, or that the owner of record asserts a claim for the regulated vehicle, the department shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s).

571--50.3(462A) to 571--50.9(462A) Reserved.

DIVISION II

VESSELS

571—50.10(462A) Bond required before issuance of title or registration. If the county recorder or the department is not satisfied as to the ownership of a vessel or there are no undisclosed security interests in the vessel, the recorder or the department shall require completion of the following procedure prior to issuing title or registration:

50.10(1) Identification. The applicant shall contact the department and provide the department with identifying information in regard to the vessel. The required identifying information shall include the hull identification number, if applicable, and such additional information as may be requested by the department. If no hull identification number is currently affixed on a vessel otherwise required by law to have a hull identification number, the applicant shall complete the department's procedure for obtaining such number, and the assigned number shall be affixed after the applicant has completed the registration and bonding process set forth in this chapter.

50.10(2) Records search. Upon receipt of sufficient identifying information from an applicant, the department shall:

- a. Search the department registration records to determine if there is an owner of record for the vessel and if the vessel has been reported stolen; and
- b. Notify the applicant, orally or in writing, in regard to whether a record of prior ownership has been located and, if so, provide the name and last-known address of the owner of record.

50.10(3) Examination. At any time after being contacted by the applicant and before approval of an application, the department may examine the vessel.

50.10(4) Notice to owner of record. If the department finds a record of prior ownership in the department registration records, the department shall provide the applicant with a bonding packet with instructions on how to complete the bonding process. The packet will include a notice to the owner of record and a certified mail envelope, return receipt requested, with a return address of the department. The notice shall state that the owner of record may assert the owner's right to claim the vessel. If neither the applicant nor the department receives a response from the owner of record

within ten days after receipt of notice or the post office returns the notice to the applicant or the department as undeliverable or unclaimed, the department will continue processing the bond application.

50.10(5) Submission of application. The applicant shall submit an application on DNR Form 542-8067. The form shall include a statement obtained from an Iowa-registered dealer for vessels or documentation from the North American Dealers' Association indicating the current value of the vessel. The following documents shall be submitted with the application form:

- a. Photographs of the vessel which show the front, rear, and one side of the vessel.
- b. The written ownership document received at the time that the vessel was acquired.
- c. Satisfactory proof of the hull identification number or DNR Form 542-2000. Examples of what constitutes satisfactory proof include, without limitation, corresponding photographs of the hull identification number and the vessel or readable pencil rubbing of the hull identification number.
- d. The undeliverable or unclaimed certified letter and envelope addressed to the previous owner or the signed certified mail receipt, if available, if a record of prior ownership was located by the department.
- e. A surety bond on DNR Form 542-8092 in an amount equal to one and one-half times the current value of the vessel.

50.10(6) Approval. If the department determines that the applicant has complied with this rule, that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department shall forward the original application to the county recorder and notify the applicant that the vessel may be registered and titled in Iowa.

50.10(7) Disapproval. If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, that there is an unsatisfied security interest, or that the owner of record asserts a claim for the vessel, the department shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s).

These rules are intended to implement Iowa Code sections 321G.21, 321G.29, 321I.22, 321I.31 and 462A.5A.

Date

Richard A. Leopold, Director

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